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THE KAU WINE COMPANY APPEALS TO GOVERNOR

Asks for Reconsideration of Refusal to Grant a Dealer's License—Symposium of Views of Residents of Kau.

The following correspondence shows the continuance of effort by the Kau Wine Co. to obtain a liquor dealer's license, notwithstanding the veto of the Governor:

Honolulu, T. H., Jan. 6, 1905. To Hon. A. J. Campbell, Treasurer Territory of Hawaii.

Dear Sir: 1. The Kau Wine Co., Ltd., begs to submit herewith copy of its letter dated January 5, 1905, to the Governor of the Territory, the purpose of said letter being to show that, whereas the punishment of offences against the liquor laws of the Territory lies with the police alone, and that the Governor as chief administrative officer is interested therein, the discretion of granting "Dealer's Licenses" lies solely with the Treasurer of the Territory and the Governor possesses no part of this discretion.

2. The Kau Wine Co., Ltd., respectfully asks of the Treasurer of the Territory a reconsideration of its application for a "Dealer's License" at Honouapua, Hawaii, for the following reasons: (a) After an investigation on the ground by an officer of the government, Sheriff Andrews of Hawaii, the granting of the license asked for by the Kau Wine Co., Ltd., was approved and recommended by Sheriff Andrews.

(b) The two plantations in the District prefer a Dealer's over a Retailer's license; and a "Dealer's License" to no license at all.

(c) A Dealer's License was granted on about December 9, 1904, to M. V. Holmes at Honokaa, Hawaii; a Dealer's License was granted on about December 22, 1904, to P. A. Diaz at Waiapahu, Ewa.

(d) The people of the district for which the Kau Wine Co., Ltd., has made its application for a "Dealer's License" are desirous of having such application granted.

(e) These people show by their letters that the conditions at Kau are not as set forth in Sheriff Andrews' reports to the Treasurer. That as a matter of fact the district has been in better order since the granting of the Dealer's License for the District than at any time theretofore. That the Kau Wine & Liquor Co. have conducted their business in an orderly manner and with a view to law and order in the District. That drunkenness has decreased and loafing has almost disappeared. That a licensed seller of liquor is much more preferable from the standpoint of control of labor than no license at all.

It is submitted that the idea that illicit selling can be controlled or prevented in so extensive a District as Kau, or in any outlying District, by the refusal of any and all license is fallacious and logically incorrect as it is bound to produce a mischievous effect among the plantation laborers.

These people have the same legal right to purchase liquor as any other residents or citizens of the Territory, and to refuse to them a convenient and authorized place where such demand may be lawfully supplied can only tend to their obtaining it by any other available means in any other place that it may be offered for sale. Where there is a dollar to be made there are always to be found those who are willing to take chances and make it, honestly, if they can, otherwise dishonestly.

The theory that goods can be forwarded from a central point say a particular wharf or landing, and watched until it reaches the consumer indicates an intention on the part of the authorities to establish a system of espionage, that for several reasons is not practicable.

1.—Such a system is certain to irritate those who have no intention of wrong-doing, and if carried out effectively, cannot fail to produce trouble and perhaps strikes among a laboring people, who are known to be both sensitive and tenacious of their rights.

2.—In order to carry this out effectively a large force of spies and informers will be necessary, whose very presence, when known, never fails to excite opposition and defiance in any community.

The greater the difficulty placed in the way of lawful trade the more certain will be the demand, and consequently locally manufactured substitutes, such as swipes, okolehao, etc., will be supplied. As the result of this the only licensed distributorship point in Kau, there were upwards of 20 packages of sake and liquors shipped per steamship "Mauna Loa" on her last trip to outside parties, while the Kau Wine Co., Ltd., were prevented from shipping a single case.

By the present trip of the steamer, owing to the fact becoming known that no supplies can be legally obtained, it is probable that twice or thrice the above quantity will be forwarded. We submit that most of these goods will reach the consumer by and through the same hands as heretofore, and now, practically all through illicit channels.

How can it be argued that the withdrawing of a license can possibly result in the stopping or even diminishing of illicit selling in a particular section or district?

Is not the exact opposite result to be anticipated and that by adopting such a course practically all such sales in such district will be illicit, with the same if not greater difficulty for the police to convict offenders? The offense is committed by the man selling illicitly no matter where he gets his liquor from.

The Kau Wine Co., Ltd., encloses herewith copies of letters written by people in Kau the originals of which were enclosed in a letter dated December 30, 1904, by G. C. Hewitt, Esq., to the Governor; and also original letters from other people in that District; and submits that these letters show the true state of affairs at Kau, and bear out the assertions above made.

We do not believe we are trespassing upon any statute or principle of law when we ask the exercise of the personal discretion of the Treasurer with regard to this application for reconsideration. Under the Bradley-Thurston decision of our Supreme Court this discretion cannot be reviewed. Under these circumstances, the mind of the Treasurer being the court of last resort such discretion, we submit, should be exercised all the more carefully and moderately. The power over life and death is exercised, for force, more deliberately than the power to punish for minor offenses. To put the one into operation may be as easy as to put the other into operation, but the effect of the one is vastly more far-reaching than the effect of the other. The greater the power, the more care should be used in the exercise of it. Otherwise all sense of security and stability is lost.

We respectfully submit, that though the Treasurer cannot be compelled by law to exercise discretion under the Bradley-Thurston decision, the duties of his high office themselves require, in the exercise of his discretion, that he should proceed without taking advantage of this decision. The Bradley-Thurston decision is for his protection. It is impossible to regard it in the light of his office as a shield for an abuse of discretion, or a justification for such.

In other words, notwithstanding the Bradley-Thurston decision, to which Mr. Justice Dole strongly dissents, and whose dissenting opinion expresses today the weight of authority as enunciated by the decisions of the State Courts, we submit that the exercise of discretion by the Treasurer in his matter should constitute the discharge of an official duty and not a mere expression of personal will, or of personal views that the scope of the licensing laws is against public policy, or views on the propriety or impropriety of licenses, or that there is no necessity for the license. Such discretion should be exercised in this particular case and upon the facts and circumstances submitted, after they have been heard and duly considered, regard being had to the interests and policy of the state as manifested in the statutes, as well as to the interests of the applicant and of the District in which the business is to be carried on.

We submit that under the facts and circumstances above enumerated, the denial of the application of the Kau Wine Co., Ltd., for a Dealer's License at Honouapua, Hawaii, should be reconsidered and that said application should be granted.

Yours respectfully,
KAU WINE COMPANY, LTD.,
By J. G. ROTHWELL,
Its President.

Naalehu, Kau, Hawaii, Dec. 28, 1904.

J. G. Rothwell, Esq., Honolulu.

Dear Sir: I have made a thorough canvass of our district regarding the relative advantage and disadvantage of wholesale and retail liquor business, and I find it practically unanimous that if a decision must be made between the two, that it would be by far the best plan to leave it as it is. (Mr. Wolters concurs in this.)

It would be better, all think, if it could be so as to permit the wholesaler to sell by the bottle in these thinly settled districts which would be near enough to retail to satisfy, and at the same time thoroughly eliminate the illicit dealer. If the wholesaler is abolished the Japs, who are by far the greatest consumers, will order by the case from Honolulu and will all become illicit dealers, thus diverting the trade from the citizen and sending the money out of the Territory to the damage of business interests. If a wholesale license can not be secured, then a retail one becomes a necessity if sale by the bottle is allowed, as I understand it is. This district is too large and thinly populated to rely alone on a retail license. The wholesaler would be needed in any event.

It is hardly to be expected that a person would come fifteen or twenty miles to quench his thirst, and if he can not obtain refreshments in shape to take to his home, he will manufacture it, which would mean plenty of swipes, plenty of drunks, and plenty of trouble. There is very little drunkenness in the place, and what there is is mostly confined to the remote parts of the district.

The Sheriff informs me that his experience in investigating the matter agrees with mine.

Yours truly,
L. S. THOMPSON,
Government Physician, Kau.

Waiohina, Dec. 30, 1904. Having been asked to state if drunkenness in this district in on the increase, I answer that I have not any reason to state that drunkenness is increasing. But what I can state is that since we have a wholesale liquor house there is no more drunkenness on Sundays, all round the coffee shops as it used to be before.

(Signed) REV. C. N. RUANIT.
J. KAUFMAN.

Oiaio i ka wa mamua nui ka poe ona, i keia wa aole-o ko'u ike keia, akoe aku ka poe a'u i ike ole ai mamua noho i na hale inu ko'e ka poe ona, i keia wa aole-o ko'u ike keia.
H. K. KAMALI.

The undersigned, a resident of Kau District for many years, does hereby certify that to the best of his knowledge intoxication is certainly not on the increase in the vicinity where he resides, neither has it been within the past four or five years.

(Signed) WM. P. HART,
Teacher of the Catholic Mission School, Waiohina, Kau, Hawaii, Dec. 30, 1904.

Waiohina, Kau, Dec. 31, 1904. Being brought up and having resided in Kau District since an early age, I can safely testify to the following statement:

First, that a wholesale liquor license is essential in my opinion for the benefit of the community at large, as it stops the illicit traffic in liquor sale. Second, that since the establishment of a wholesale liquor house at Honouapua in Kau District, Island of Hawaii, I can truthfully state that intoxication has lessened and decreased.

(Signed) C. G. MACOMBER.

Waiohina, Kau, Dec. 31, 1904. Before the issuance of a license to sell Spirituous Liquors in the district of Kau, 2 per cent of the cases brought before the District Court were for drunkenness. Since the issuance of the Wholesale Dealer's License to sell Spirituous Liquors in the District of Kau, the cases of drunkenness brought before the District Court have diminished until only 1 per cent of the cases were for drunkenness per month, and some of these cases were caused by home made liquor, namely "Swipes."

(Signed) J. H. WAIPIULANI.

G. C. Hewitt, Esq., Waiohina, Hawaii. My Dear Sir: Replying to your request for my views on the liquor question as it affects our local district, I will say, that I have traveled through the islands to a considerable extent, and nowhere have I seen less drunkenness than right here in our own district. During the past year I do not recall having seen a single disorderly drunk, nor more than five persons under the influence of liquor. This speaks highly for the district, for, as you know, my vocation calls me out and around all the time, and all over the district.

It is rumored that we are to have a retail saloon at Honouapua in place of the present establishment. Such a place would play havoc with the working men, especially the Hawaiians. It would be the resort of all the worst characters of the district, and would require the constant attention of the police force. Having the interest of our district at heart, I must say I hope such a change will not be made.

Believe me very sincerely yours,
(Signed) EDWIN IRISH,
Kau Telephone Office.
December 31, 1904.

Waiohina, Kau, Hawaii, Jan. 1, 1905.

Mr. G. C. Hewitt, Waiohina, Hawaii.

Dear Sir: In one of our local papers, I notice an article in reference to the Honouapua, Kau, wholesale liquor license. It seems to me, that the government is trying to stop the renewing of a license for 1904. I do really believe, that to discontinue the chance of having a wholesale liquor house in Kau, is a step ten years back. Since the opening of the Honouapua wholesale liquor house, I notice that less disorderly living among the native population in Waiohina existed, and hardly any drunkenness on the streets, and do not hear of any big fights; of course, they do make swipes and get jolly over it, and that it is all. I write this to you, because I am an old Hawaiian, have resided in Kau at least 47 years, and know pretty well what I am saying. Take the year previous to last, there were more fights, drunks, and a very disorderly crowd of people living at the west corner of our little village, but today there is hardly any.

Although I am not one of those who enjoys the use of intoxicating drinks, I wish them who do, to enjoy it in a lawful way, and to buy from a wholesale house, take it home and have a good time in a step in the proper way. I wish to mention here, that on one New Year's day twenty-five years ago, there were 77 cases of drunkenness before the district court of Waiohina, myself being an acting Judge at the time, think of that, only 77. In closing these few remarks, I may say, that the illicit sale of intoxicating liquors in Kau during the past has been greatly reduced. I hope they will give the Kau people a chance to get home buying from a wholesale house here, instead of going either to Hilo or Honolulu to buy.

Wishing many a happy day to you,
(Signed) JNO. H. S. MARTIN.

Waiohina, Hawaii, Jan. 1, 1905.

Being asked whether, in my opinion, drunkenness in this district has increased or decreased since there has been a wholesale liquor establishment in the district, I unhesitatingly say that I have seen far less. I remember of seeing but one person under the influence of liquor around any of the coffee shops during this time, while prior to the granting of the license it was so common a sight.

(Signed) B. B. TAYLOR,
Principal Waiohina School.

Pahala, Hawaii, Dec. 31, 1904. Mr. J. G. Rothwell, Honolulu, H. T. Dear Sir: I can say with assurance, that since there has been a wholesale liquor house in Kau, there has been much less illicit selling, and I believe much less drunk, because the consumer at present can buy a dozen bottles of beer or a gallon of wine, but if he has to order it from Honolulu, he would order a case or barrel of beer, and ten gallons of wine to make it "worth his while" ordering, paying charges, etc.

Respectfully,
(Signed) W. A. SCHWALLIE.

Pahala, Hawaii, Jan. 1, 1905. Mr. J. G. Rothwell, Honolulu. Dear Sir: Mr. Hewitt has asked me to express my views as to whether there is more insobriety in this district since the advent of the establishment of the "Kau Wine Co., Ltd." or more illicit liquor selling, he also asked me as to what I thought of the establishment of a saloon for the district, in place of a wholesale liquor house. With

regard to the first question, from careful observation and a long and continued residence in the district of Kau, that there is not more illicit liquor selling at the present time than has always been, as to drunkenness I remember times when there has been far more of it than any time since the Kau Wine Co., Ltd., has been in existence, speaking of this and of the district, and of the Hawaiian Agricultural Co.'s plantation, who until quite recently have had a large body of workmen, I have often wondered at the general sobriety of the men, liquor and other drinks they get, and always will get in some way, but they seem generally to use it in a reasonable manner, and it is uncommon to see an intoxicated man at this place.

Now as to a saloon for the district in place of a wholesale house. One saloon as a distributing medium would not effect the object and at the same time do away with illicit selling, four or five might. Put a saloon within easy reach of customers of such places and it would probably do away with the present sly sellers, but one house will effect nothing, and I do not think it likely that the plantation authorities will agree that saloons shall be put on their premises. Speaking personally, if I were a manager I should certainly not favor it. I have not time for more.

Very truly yours,
(Signed) T. C. WILLIS.

SPECIAL SALE WOOLEN DRESS FABRICS, GREAT VALUES

We are offering this week a large line of the newest woolen materials at reduced prices.

An elegant line of POPLAR CLOTH, in new shades; 36-inch Special..... 350
All-wool ALDINE SUITING; 36-inch. Special value at..... 45c
A new line of all-wool ALBATROSS, in new evening shades; 36-inch. Special..... 60c
An excellent new line of COVERT CLOTH; 36-inch. Special..... 65c
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BEST VALUES IN ALPACCA; 36-inch at..... 65c

CLEARING SALE IN LADIES' SHIRT WAISTS
Our entire line on sale less than manufacturer's cost.

\$1.50 Waists now \$1.00	\$1.75 Waists now \$1.25
\$2.00 Waists now \$1.35	\$2.25 Waists now \$1.75
\$2.50 Waists now \$1.90	\$2.50 Waists now \$2.50
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LEONARD Cleanable Refrigerators

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Pure Prepared Paint

is scientifically mixed and contains only pure materials. It takes a mighty good painter to mix paints nearly so well.

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Very truly yours,
(Signed) T. C. WILLIS.



MR. CHAS. W. LEADBEATER

F. T. S. and M. R. A. S.

Accompanied by

MR. BASIL-HODGSON SMITH,

Will arrive on the Sierra and

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